

# STATE OF NEW YORK

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96

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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Introduced by M. of A. GUNTHER, BENEDETTO, HYNDMAN, WALKER, GALEF, PAULIN, STECK, STIRPE, WOERNER, O'DONNELL, FAHY, JEAN-PIERRE, SOLAGES, COLTON, HEVESI, GOTTFRIED, SIMON, CARROLL, TAYLOR, SANTABARBARA, QUART, DiPIETRO, McDONOUGH, PALMESANO, RA -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, ENGLEBRIGHT, HUNTER, LUPARDO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to designating human organ delivery vehicles as authorized emergency vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 101 of the vehicle and traffic law, as amended by  
2 chapter 446 of the laws of 2003, is amended to read as follows:

3 § 101. Authorized emergency vehicle. Every ambulance, police vehicle  
4 or bicycle, correction vehicle, fire vehicle, civil defense emergency  
5 vehicle, emergency ambulance service vehicle, blood delivery vehicle,  
6 human organ delivery vehicle, county emergency medical services vehicle,  
7 environmental emergency response vehicle, sanitation patrol vehicle,  
8 hazardous materials emergency vehicle and ordnance disposal vehicle of  
9 the armed forces of the United States.

10 § 2. Section 114-b of the vehicle and traffic law, as amended by chap-  
11 ter 460 of the laws of 1996, is amended to read as follows:

12 § 114-b. Emergency operation. The operation, or parking, of an author-  
13 ized emergency vehicle, when such vehicle is engaged in transporting a  
14 sick or injured person, transporting prisoners, delivering blood or  
15 blood products or transporting human organs, human tissue or medical  
16 personnel for the purpose of organ recovery or transplantation, in a  
17 situation involving an imminent health risk, pursuing an actual or  
18 suspected violator of the law, or responding to, or working or assisting  
19 at the scene of an accident, disaster, police call, alarm of fire, actu-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 al or potential release of hazardous materials or other emergency.  
2 Emergency operation shall not include returning from such service.

3 § 3. The vehicle and traffic law is amended by adding a new section  
4 117-e to read as follows:

5 § 117-e. Human organ delivery vehicle. Any vehicle which is operated,  
6 authorized or contracted by or on behalf of an organ procurement organ-  
7 ization, as defined in subdivision five of section four thousand three  
8 hundred sixty of the public health law, for the sole purpose of trans-  
9 porting human organs, human tissue, or medical personnel for the purpose  
10 of organ recovery or transplantation on an emergency basis. The vehicle  
11 must be dedicated to serve as and be clearly identified as an organ  
12 transport vehicle, and operators must receive written authorization from  
13 the department of health prior to operation of a vehicle in such capaci-  
14 ty. No human organ delivery vehicle shall be operated as an authorized  
15 emergency vehicle engaged in an emergency operation unless the driver of  
16 such vehicle has undergone appropriate training, as approved by the  
17 department of health, for the operation of authorized emergency vehicles  
18 during emergency operations and a defensive driving course. Nothing in  
19 this section shall preclude those persons otherwise approved to operate  
20 any other authorized emergency vehicle as defined in section one hundred  
21 one of this article from operating such vehicle as a human organ deliv-  
22 ery vehicle.

23 § 4. This act shall take effect on the one hundred twentieth day after  
24 it shall have become a law.